

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

11 CIV. 7919

Anibal Ortiz

(In the space above enter the full name(s) of the plaintiff(s).)

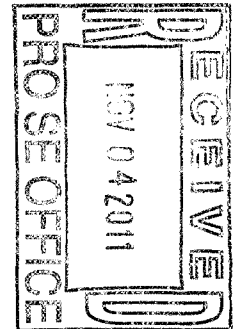
COMPLAINT

-against-

The City of New York, Mayor Michael R. Bloomberg,
Raymond W. Kelly, Leonardo Deoliveira, James Braunreuther
Mathew Mckenzie, NYPD, ~~James #1~~

Jury Trial: ☒ Yes ☐ No
(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)



I. Parties in this complaint:

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Anibal Ortiz
Street Address [REDACTED]
County, City New York
State & Zip Code New York, 10028
Telephone Number [REDACTED]

- B. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name The City of New York
Street Address City hall

County, City New York
 State & Zip Code New York 10007
 Telephone Number _____

Defendant No. 2 Name Mayor Michael R. Bloomberg
 Street Address City hall
 County, City New York
 State & Zip Code New York 10007
 Telephone Number _____

Defendant No. 3 Name Raymond W. Kelly
 Street Address 1 Police Plaza room 1406
 County, City New York
 State & Zip Code New York, 10038
 Telephone Number 10038

Defendant No. 4 Name Leonardo Deoliveira
 Street Address 32nd Precinct 250 west 135th street
 County, City New York
 State & Zip Code New York, 10030
 Telephone Number 212-690-6311
see attached for other defendants

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction? (check all that apply)

☒ Federal Questions

☐ Diversity of Citizenship

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? Amendment 1, Amendment 4, Amendment 8, Amendment 9, Amendment 13, Amendment 14, of the federal Constitution. Title 42 U.S.C. § 1983 and 42 U.S.C. § 1985

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship _____

Defendant(s) state(s) of citizenship _____

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events.

Defendants continue

Defendant No. 5 Name James Braunreuther
Street Address Manhattan North 151 West 100th street
County, City New York
State & Zip New York, 10025
Telephone Number 212-678-1811

Defendant No. 6 Name Mathew McKenzie
Street Address One Hogan Place
County, City New York
State & Zip New York, 10013
Telephone Number 212-335-9000

Defendant No. 7 Name the New York Police Department
Street Address 1 Police Plaza Room 1406
County, City New York,
State & Zip New York, 10038
Telephone Number 646-610-5336

You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? outside 1851 3rd Avenue Manhattan,
New York

B. What date and approximate time did the events giving rise to your claim(s) occur? 9:30 pm
October 17, 2010

C. Facts: On the night of October 17th 2010 Plaintiff was with some friends outside 1851, 3rd Avenue when officer Leonardo Deoliveira shield #03164 and officer James Braunreuther shield #13144 approached plaintiff and demanded identification. Plaintiff asked the officers did they have a warrant or a signed complaint or had seen the plaintiff breach the peace. The officers replied they did not have a warrant or complaint and they did not see plaintiff breach the peace. Plaintiff refused to produce identification due to the facts that the officers had no probable cause to demand identification. Plaintiff started recording video and audio with a black berry mobile phone and asked the officers the same question when James Braunreuther reached for plaintiffs phone to take stop recording. Plaintiff informed the officers they couldn't not prevent him from documenting for his safety and under the first Amendment. Plaintiff informed officers they can't search plaintiff under the forth Amendment with no probable cause. James Braunrether withdrew his hand and Leonardo Deoliveira persisted to demand identification while walking towards plaintiff then striking plaintiffs inner forearm causing plaintiff to drop his mobile phone. the phone didn't make contact due to the earphone attached, as the phone hung from the wire Deoliveira kick the phone into the lobby of 1851 3rd Avenue. Braunreuther retrieved plaintiff phone from inside the building and was going to give plaintiffs phone to a friend but Deoliveira then instructed Braunreuther "not to give a fucking thing to anyone". Then Deoliveira grabbed plaintiffs arm and slammed him into the window near the entrance of 1851 3rd avenue and then pushed me into the lobby of 1851 3rd avenue and said I was trespassing and I would be arrested. Deoliveira then handcuffed him so tight (see attached)

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. bruised forearm, mental anguish,
embarrassment, pain and suffering,

Statement of claim continue

(c) Plaintiff hands went numb almost instantly and proceeded to twist the handcuffs in a manner to cause me more pain and discomfort.

On the night of October 17, 2010 Plaintiff was arrested by Leonardo Deoliveira and James Braunreuther, hereinafter referred to as "defendant/s." Plaintiff was searched, handcuffed, and placed in a patrol car. After making the arrest of Plaintiff, defendants took Plaintiff directly to the 23rd precinct and fingerprint and my photo taken in accordance with established department policy, having made no due diligent effort to locate a magistrate, in violation of Article 140.20 New York Code of Criminal Procedure rendering said act against Plaintiff an act in violation of Section 135.10 and 135.25(1),(2)(a) of New York Penal Code. After several hours at the 23rd precinct, Plaintiff was taken to Central Bookings, Plaintiff was transferred to the custody of jailers who, acting in accordance with established policy, Plaintiff held over 24hrs before being brought before a magistrate. During the period of incarceration, Plaintiff was subjected to a coercive, intimidating, humiliating, and subjugating booking procedure that would have been a clear violation of law had Plaintiff been brought before a magistrate and no probable cause found. Said act was committed in violation of Article 140.20 New York Code of Criminal Procedure rendering said act against complainant an act in violation of Section 135.10 and 135.25(1),(2)(a) of New York Penal Code.

Plaintiff asserts and alleges, the arresting officers, and jailers were acting in accordance with accepted policy established and enforced by the director of the agency having authority over the jail facility. It is the further contention and allegation of Plaintiff that said policies have been adopted and promulgated in concert and collusion with the advice of the prosecuting attorney. Therefore, in as much as the arresting officers committed a crime upon arrest of the accused, and the jailers continued the abusive treatment of Plaintiff and added criminal acts against Plaintiff, as well as the magistrate who found probable cause, and all the aforementioned acted in accordance with policy established and enforced by the director of the jail facility upon advice and counsel with the prosecuting attorney, it must be construed the acts being in harmony, one with the other, were committed as the result of a criminal conspiracy engaged in by all the above alleged actors, and therefore, all are culpable for the acts of all the others as if each committed each act personally. And I charge that heretofore, and before the making and filing of this complaint. In the County of New York and State of New York, **accused**, did then and there unlawfully and willfully violate title 42 U.S.C. § 1985, titled Conspiracy to interfere with civil rights, against the peace and dignity of the State. When plaintiff returned to the 23rd to retrieve black berry video of plaintiffs arrest was deleted from phone.

